

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John Brownlie)	Examiner: Unknown
)	
Serial No.:	10/522,513)	Art Unit: 1653
)	
Filed:	January 27, 2005)	
)	
I.A. Filing Date:	July 1, 2003)	
)	
CANINE RESPIRATORY CORONAVIRUS (CRCV))	
SPIKE PROTEIN, POLYMERASE AND)	
HEMAGGLUTININ/ESTERASE)	

Mail Stop: Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

Sir:

Although to our knowledge, no Notice of Abandonment has been issued for the subject application, Applicant respectfully requests that the holding of abandonment not be issued. Additionally, if a Notice of Abandonment has been issued, Applicant respectfully requests that it be withdrawn.

On May 23, 2006, during the course of a standard Application Status Check on the United States Patent and Trademark Office's online Secured Patent Application Information Retrieval database, it was discovered that a Notification of

Defective Response (“Notification”) had been issued on February 7, 2006. A search of the file jacket and docket record for the subject application indicates that said Notification was never received by the Attorneys of Record, Jaeckle Fleischmann & Mugel, LLP (“JFM”).

The standard practice at JFM is that every piece of mail from the United States Patent and Trademark Office is stamped by the receptionist with the date received and then goes directly to the docket clerk to be docketed. The mail is then distributed to the attorney responsible for handling each particular case. If the Notification had been received by JFM, it would have been docketed in a timely manner and the docket record would clearly indicate the receipt of same, along with the deadline to respond. The first time that the Notification was received by JFM was on May 26, 2006 when it was transmitted via facsimile by the USPTO, at the request of JFM. By the time the Notification was received by JFM on May 26, 2006, the deadline to respond, along with any extensions of time, had already expired.

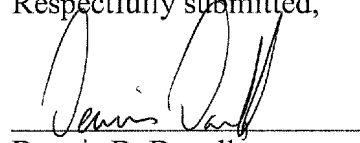
A copy of the Notification showing that it was faxed to JFM by the USPTO PCT HELP DESK on May 26, 2006 as well as the docket record dated May 25, 2006 showing that, as of May 25, 2006, the Notification had not been received, are enclosed.

For the foregoing reasons, it is respectfully requested that any holding of abandonment be withheld or withdrawn in the above-referenced patent application. Also, Applicants request that a new Notification of Defective Response be mailed to the undersigned with a new one-month time period to correct the defective response.

It is believed that no fee is required for this Petition; however, the Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 10-0223.

Dated: 6/2/06

Respectfully submitted,



Dennis B. Danella
Reg. No. 46,653

JAECKLE FLEISCHMANN & MUGEL, L.L.P.
190 Linden Oaks
Rochester, New York 14625-2812
Tel: (585) 899-2930
Fax: (585) 899-2931



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/522,513	John Brownlie	87792-017905

INTERNATIONAL APPLICATION NO.

PCT/GB03/02832

I.A. FILING DATE	PRIORITY DATE
07/01/2003	07/27/2002

23469
 JAECKLE FLEISCHMANN & MUGEL, LLP
 190 Linden Oaks
 ROCHESTER, NY 14625-2812

CONFIRMATION NO. 3443

371 FORMALITIES LETTER



OC000000017953000

Date Mailed: 02/07/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 01/27/2005
- Copy of the International Search Report filed on 01/27/2005
- Copy of IPE Report filed on 01/27/2005
- Preliminary Amendments filed on 01/27/2005
- Information Disclosure Statements filed on 12/02/2005
- Oath or Declaration filed on 11/21/2005
- Request for Immediate Examination filed on 01/27/2005
- Copy of references cited in ISR filed on 01/27/2005
- U.S. Basic National Fees filed on 01/27/2005
- Priority Documents filed on 01/27/2005
- Specification filed on 11/21/2005
- Claims filed on 11/21/2005
- Abstracts filed on 11/21/2005
- Drawings filed on 11/21/2005

Applicant's response filed 12/02/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 09/26/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - does not identify the citizenship of each inventor.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/522,513	PCT/GB03/02832	87792-017905

FORM PCT/DO/EO/916 (371 Formalities Notice)

PCT Help Desk
US Patent and Trademark Office
Telephone: (571) 272-4300
Facsimile: (571) 273-0419

Fax

To: Elizabeth Kinsley

From: Harry Kim

PCT Helpdesk

Fax: (585) 899-2931

Pages: 3

Phone:

Date: 26 May 2006

Re: 10/522,513

CC:

☐ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

Attached hereto is the form 916 as requested.

HK

Country Application

Thursday, May 25, 2006

Page: 1

Docket Number: 87792.017905

Country: US

SubCase:

Client: Eric Potter Clarkson

United States of America

Case Type: PCT

Application Status: Published

Application Number: 10/522,513

Filing Date: 27-Jan-2005

Publication Number: WO 2004/011651

Publication Date: 05-Feb-2004

Patent Number:

Issue Date:

Parent/PCT Number: PCT/GB2003/002832

Parent/PCT Date : 01-Jul-2003

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

Agent:

Agent Reference #:

Family Reference:

Remarks:

Country Application

Thursday, May 25, 2006

Page: 2

List Of Actions

Action(s) Due	Due Date		Action Taken
Publication	27-Jan-2004	Due Date	05-Feb-2004
Filing Due	27-Jan-2005	Due Date	27-Jan-2005
Post Card Check	27-Feb-2005	Due Date	24-Feb-2005
Rule 56 Letter	27-Feb-2005	Due Date	27-Apr-2005
Filing Receipt Check	27-Apr-2005	Due Date	27-Apr-2005
Information Disclosure Stmtnt	27-Apr-2005	Due Date	30-Nov-2005
Assignment Submitted	21-Nov-2005	Due Date	21-Nov-2005
Missing Parts	26-Nov-2005	Due Date	21-Nov-2005
Missing Parts w/1 mo ext	26-Dec-2005	Due Date	21-Nov-2005
Drawings?	27-Dec-2005	Due Date	27-Jan-2005
Missing Parts w/2 mo ext	26-Jan-2006	Due Date	21-Nov-2005
Missing Parts w/3 mo ext	26-Feb-2006	Due Date	21-Nov-2005
Missing Parts w/4 mo ext	26-Mar-2006	Due Date	21-Nov-2005
Missing Parts w/5 mo ext	26-Apr-2006	Due Date	21-Nov-2005
Assignment Recordation rec'd?	21-May-2006	Due Date	21-Nov-2005
Filing Receipt Check	21-May-2006	Due Date	
Application Status Check	27-Jul-2006	Due Date	23-May-2006
Application Status Check	23-Nov-2006	Due Date	

Assignment History

Assignment From	Assignment To	Assignment Date	Reel	Frame
Inventors	Royal Veterinary College, The	21-Nov-2005	016806	0374

Created By: SJT

User ID: EAK

Date Created: 19-Jan-2005

Last Update: 22-Nov-2005